G. R. S. IX-5]

Previous references.

1863-64
~~191~~ .
(Courts)

File No. 3

Serial Nos. 1–9

Later references.

Sls 10–13. in a separate Collection under the same heading with the same file number

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–9.

All ~~Part~~ B for

Investure of powers to the Amildars to punish the parties convicted of committing petty nuisances

---

Sandeep D. Wanjumdar.

W D 88—GPB—50,000—24-7-16

1863. No 130

I concur in the opinion herein expressed; but the scale of fines may be adjusted according to that prescribed for municipal conservancy. It is probable that a fine of Rs 2 will suffice in all ordinary cases.

B 20/10/63

From

The Judicial Commissioner

To The Secretary

Dated 16th October

Despatched 19th "

Received 19th "

Enclosures, No. 1

No 190

Subject.

Submits for the information and orders of the Commissioner Copy of a letter from the Asstt of Uttuggur recommending that the Amildars of the Province be vested with power to punish parties convicted of committing petty nuisances in Towns & Cusbahs by a fine not exceeding two Rs commutable to Simple imprisonment not exceeding six hours in the Talook Cutcherries.

Orders.

Com- with Scale of punishments under his Municipal Regulation proposed & sanctioned for Bangalore 7/1/63 [illegible]

No 2 dated 18/4/63.

No. 193

Mysore Judl. Commr's Office

From

C. B. Saunders Esquire
Judicial Commissioner
in Mysore

To The Secretary
to the Commissioner
of Mysore

Dated Bangalore the 16th October 1863

Sir,

I have the honor to submit for the information and orders of the Commissioner, the accompanying Copy of a letter, No. 88 to my address, from the Superintendent of Nuggur, dated the 2nd Instant, recommending that the Amil-dars of the Province be vested by the Local Government with power to pu-nish parties convicted of committing petty nuisances in Towns or Cusbahs by a fine not exceeding two Rupees, Commutable to simple imprisonment not exceeding six hours, in the Talook Cutcherries.

2. Captain Elliot has pointed out

that

that the only existing Law under which such Cases can at present be taken Cog-nizance of, is to be found at Section 290 of the Indian Penal Code. Under the provisions of this Section of the Code, an offender renders himself liable to be punished by fine which may extend to two hundred Rupees, but which can only be imposed by the Magistrate of the Dis-trict or by a Subordinate Magistrate of the First Class.

3. I concur with the Superintendent in considering that if all such cases were required to be sent up to the Head Quar-ters of the District for disposal much inconvenience and unnecessary hardship to individuals, whether the offenders them-selves or the witnesses for the prosecution and defence, would necessarily result, but as I believe it was never the intention of the Legislature that parties found offending against Sanatary Rules should be invariably brought to trial under the above quoted Section of the Penal Code, I am of opinion that Cases of the character

indicated

indicated should be dealt with summa-
=rily by Amildars in their two-fold
Capacity of Police and Magisterial
Officers, not as Criminal offences, but
as infringements of Sanatory and Con-
=servancy Rules and Regulations. That
such is in accordance with the intent-
=tion of the Legislature may be
inferred from the fact that the punish-
=ment of all such offences to the ...
obstruction, inconvenience annoyance,
risk, danger or damage of the resi-
=dents and passengers in any Town to
which the Local Government may ex-
=tend its provisions has been clearly
provided for under Section XXXIV of Act
No. V of 1861 for the Regulation of Police.

4. Under the provisions of this Sec-
=tion, the punishment awardable may ex-
=tend to fifty Rupees or to imprisonment
not exceeding eight days, but as the
wording of the Section would seem to
imply that the above punishment can
only be inflicted by a Magistrate, and
as the Act itself has not yet been made

applicable

applicable to Mysore, I do not propose to recommend that Amildars should be vested under its provisions with power to impose fines or imprisonment for breaches of Sanatary Rules to the extent authorized in the Police Act, but am of opinion that they may, in accordance with the spirit of its provisions, be safely entrusted with the Limited extent of power to deal with such cases which has been suggested by the Superintendent of the Nuggur Division.

Bangalore
The 16th October
1863.

I have the honor to be
Sir,
Your most Obedt. Servant

Judl. Commissioner

No. 88

Sugar Division
Superintendents' Office

From

Captain C. Elliot C. B.
Superintendent of the
Sugar Division

To

C. B. Saunders Esquire
Judicial Commissioner
in Mysore

Sir,

I have the honor to enclose for your consideration and orders a copy of the vernacular correspondence which has taken place between the Deputy Superintendent of Shimoga and myself in connection with a representation made by the Amildar of the Chennagherry Taluq requesting instructions for his guidance in cases of petty nuisances.

2 The only existing Law under which such cases can be taken cognizance of, is section 290 of the Indian Penal Code, by which they are made triable by the Magistrate of the District or Subordinate Magistrate of the 1st Class. but I need hardly urge the inconvenience and hardship which would inevitably ensue to

the accused and witnesses by such petty cases being sent up to the Head Quarters of the District.

3 A fine of a few Annas would be a sufficient punishment in the majority of such cases, but in the absence of a provision of Law to justify the imposition by Amildars of such fines, I am induced to recommend for the interests of the public that Amildars be vested by the local Government with powers to punish petty miscances committed in Cutchas or Towns by a fine not exceeding in any case Rupees two, Commutable to simple ~~imprisonment~~ not exceeding 6 hours in the Taluq Cutcherries.

I have &c.
/Signed/ C. Elliot
Superintendent

Shimoga
30th Septr. 1863.
Despd. 2d. October

"True Copy"

Judicial Commr.

E.K.

Encls:- in Jud[l] Comm[rs] Letter
16th October 1863 No 190.

limited to No 5 as suggested.
There is a slight clerical error
in Rule 11. The word "belonging
to the Board" may be omitted

S. M. 80 B 9/5/65

5L 2.

1865 No 11

From
The Judicial Commissioner
To
The Secy to the Commissioner
Dated 15th May 1865
Received 18th "
Enclosures No 3
No
Subject
Your Letter No 3041 dated 15th May 1865
117

Forwards copies of correspondence on the subject of the introduction of certain Conservancy Rules & Orders with 2 Lists, one of offences to be declared cognizable & other shewing the Towns and Districts in which they are to be in force for the Consideration & orders of the Commr.

Orders

Circular

18 May 65

I concur in these proposals, the
case of the amendment to fine being
No 26 Dy. 23-5-65.

No. 16.

Mysore State Commr's Office
Bangalore 15th May 1865

From

C. B. Saunders, Esquire C. S.
Judicial Commissioner
in Mysore

To

The acting Secretary to the
Commissioner of Mysore

Sir,

Referring to previous Correspondence on the subject of the introduction of certain sanitary and Conservancy Rules in the Towns and Cusbahs of the different Talooks and vesting the Amildars with the power of sanctioning any infringement of the said Rules, I have the honor to forward for the sanction and approval of the Commissioner, an amended List of the offences to be dealt with by the Amildars, which I have submitted upon, in Consultation with the Superintendents, also a List of the Towns and Cusbahs in each District in which the proposed Rules are to be declared to be in force.

2. In proposing the introduction of the said Rules, which have been amended, and

From Secretary to Judl. Commissioner
No. 3041 dated 18th November 1863.

and modified, as suggested by the Commissioner, with a view to adapt them to the Cusbah Towns of the adjacent Talooks, I do not of course in any way propose to interfere in respect to the municipal arrangements of either Mysore or Bangalore, in respect to the definition of nuisances and the punishment which the Commissioner has authorized to be imposed in each case, but as I do not consider that the Rules in their entirety can advantageously be introduced in the Cusbah Towns of Talooks, I have thought it advisable to reduce their general stringency and to recommend their introduction in some of the principal Cusbah Towns in their modified form for the present.

3. I did not deem it advisable to propose any alteration or modification of the scale of fines fixed in the Rules selected for adoption in the Cusbahs, inasmuch as they appear to be just and proper and have moreover received the sanction of the Commissioner;- but I would at the same time recommend that the Amildars should not be authorized, in any case, to inflict a fine exceeding the sum of Five Rupees

commutable, in default, to two days simple imprisonment, reserving all such cases in which they may consider a heavier fine necessary for the orders of the Deputy Superintendent

4. Copy of a letter No 150 dated 28th April 1865 received from the Superintendent of Singapur with its enclosures on the subject under reference is herewith forwarded for the Commissioners information.

I have the honor &c&c

Sir,

Your most Obed.t Servant

Judl. Commissioner

Nagpur Division

No 150. Superintendent's Office

To

The Judicial Commissioner

in Mysore.

Dated Camp Hulhulli 28th April 1865.

Sir,

In submitting for your consideration, a copy of Major Hamilton's letter No 79, dated the 22d Instant, together with a copy of its enclosure, I have the honor to state that in my opinion one or other of the courses suggested by Lieut Cumming should be adopted with a view to the prevention of the nuisances brought to notice which are daily committed to a fearful extent.

2. When I visited Shickarpoor in February last, it was prominently brought to my notice that human bones and ashes were systematically thrown into the public reservoir at that place, notwithstanding that the only drinking water used by the inhabitants of that town is drawn from that source. I at the same time issued the

necessary orders, to prevent the nuisance, but fear that these orders have not been enforced, nor can they be so effectually, until the Amildars, who are now absolutely powerless to fine the Offenders in such Cases, are authorized to inflict some punishment on the spot, directly the offence is committed. The Amildars (Sub. Magistrates of the 2d Class) might also be invested with authority to dispose of Cases falling under section 277 of the Indian Penal Code, which specially applies to cases of the Kind referred to in the correspondence.

3. I am informed that a reference of this kind was made to you by Captain Charles Elliot when in charge of this Division but no final reply seems to have been yet received.

I have &c.

Sigd J. Clerk.

Offg Superintendent.

Shemoga District Dy Supts Office.

No. 233. Shemoga 24th April 1865.

To

The Offg Superintendent

Nuggur Division

Sir,

In enclosing for your information and orders copy of the Assistant Superintendent Lieut Cummings' letter No 79 dated the 22nd Instant, I have the honor to state that I see no objection to the proposition of the above officer being approved of. Should you also take the same view of the matter as I do.

I have &c
Sigd J. J. Hamilton
Offg. Dy Superintendent.

Assistant Superintendent's Office
Hurrichur Sub Division.
22nd April 1865.

No 79.

To

The Deputy Superintendent
Shemogah District.

Sir,

I have the honor to request you will kindly obtain sanction to the subjoined proposition should it meet your approval. The environs of many of the villages &c are in a state very deleterious to health, owing to accumulations of filth &c &c which breed

sickness and fevers, also the tanks used for drinking are constantly fouled by ashes of dead bodies being thrown, and clothes washed therein. If for the good of the public health, people are ordered to remove such nuisances, or discontinue such practices and disobey, the Amildars cannot punish them as the offence comes under section 188 of the Indian Penal Code. now as such cases might properly be punished by a light fine under Rs5-five Rupees, it entails hardship, especially on the witnesses having to come in long distances to give evidence before a Magistrate. I would therefore suggest either that that section be put under Amildars jurisdiction, or that they may be vested with powers to fine cases of disobedience of Sanitary orders up to the amount of Rs5 subject to appeal.

I have &c

Sigd/ F. G. Cumming
Assistant Superintendent.

True Copy"
Sigd/ J. J. Hamilton
Offg by Supertt

"True Copies"
Signed/ T. Clerk.
Offg Superintendent

"True Copies"

Judicial Commissioner

List of the Towns and Cutchas of each Division, to which it is proposed to Extend the Municipal Rules.

Bangalore District.	Tumkoor Distt.	Colar District.	Mysore Distt.	Hassan Distt.	Shemoga Distt.	Cuddoor Distt.	Chittledroog
Bangalore.	Tumkoor	Colar	Periapatam	Hassan	Shemogah	Cuddoor	Chittledroog
Closepett.	Coongbul	Mooluagul	Hoonsoor	Gamah	Benkipoor	Beroor	Davangere
Singiri.	Cudub	Baitmungalum	Heggaddavancotta	Sukalaispoor.	Honalli	Jerriberray	Cuncoopa
Hillavoonka	Goobee	Malore	Goondulpett	Publiah.	Hollayhonnoor	Goddahulli	Mollacah
Delvungalum.	Hebboor	Bursapoor	Chamrajnuggur	Arculgode	Chennagiry	Soonigary	Chellake
Tompore.	Toovakeri	Sreenevaspoor	Nunjengode	Ramanathpoor	Hurryhur	Hurryhurpoor.	Herryoor
Nobuarajpoor.	Tikpalloor	Chintamony.	Pelhulli	Buraipoor	Shicarpoor	Wustarh	Seerah
Voscotta	Honawulli	Siddaghat	Seringapatam	Attigoopah	Amuntapoor	Chickmunglor	Hodigan
Surjapoor	Chickmaitenhully	Wuddagankully	Ganjam	Maikotah	Sorab	Sucharoypatam	Hasadroo
Davenkully	Kabsundra	Chota Ballapoor	Tulcand	Nagammungul	Sangur	Bancawar.	Pavaghu
Nugmuncottah.	Gooloor	Mundychoog (including Sultanpet)	Malavully	Belloor	Buggur		
Codda Ballapoor	Kortigiri	Goodibunda	Mundium	Kickary	Sheerhahully.		
Sankankully	Mudgiri	Bangapillay.	Muddoor	Sravanabellagoola			
Huicul.			Yeddatoray	Chenroypatam			
			Yellundoor.	Yeslonpett			
				Arsikerray			
				Bailoor.			

Chas. M. Saunders

Secl: Comm.

List of offences punishable by Builders under the Municipal Rules in Cantonment Towns.

Offences.	Punishable not Exceeding.
1. Depositing filth on streets &c. in the morning till 8. A.M.	2 Rupees.
2. Allowing sewerage to flow on public streets or offending matter to flow from any sewer or drain into a surface drain.	3 Rupees.
3. Obstructing or encroaching on any street or road, or over any drain, sewer, or aqueduct.	5 Rupees after Warning.
4. Taking up or displacing any pavement or other materials, or the fences or posts of any street.	5 Rupees.
5. Not removing a new projection, encroachment or obstruction against, or in front of any house, after 14 days notice.	20 Rupees.
6. Keeping dirt, dung, ashes, night soil, or other offending matter in any house or ground for more than 24 hours.	5 Rupees.
7. Allowing any house, building, or land to be in a filthy state, or overgrown with Bush some vegetation.	2 Rupees.
8. Keeping swine so as to be a public nuisance.	3 Rupees.
9. Making any unauthorized drain into any Public sewer or drain.	5 Rupees.
10. Throwing dirt, ashes, or night soil into any sewer or drain.	5 Rupees.
11. Fouling the water of any stream, tank, cistern &c. (belonging to the Board), by bathing, washing any animal, or cloth,	

	pond or offensive stuff, or throwing any rubbish or filth, or allowing any drains to flow into the same	10 Rupees.
12.	Fouling water in any stream, tank, aqueduct, &c. under orders of the Board by offensive trades.	10 Rupees.
13.	Injuring water works, or diverting water therefrom or any stream	10 Rupees
14.	Keeping unwholesome food in any market, shop &c.	10 Rupees.
15.	Selling, or offering for sale, unwholesome food or drink.	10 Rupees.
16.	Having in possession any unwholesome article for sale	10 Rupees.
17.	Opening or using new burial, or burning places without license	30 Rupees.

Note No fine in excess of 5 Rupees to be levied by an Assistant on his own authority, and without reference to and confirmation by the Dy. Superintendent.

Thomas Saunders
Asst

Genl. Co. 457/9

M. C. G.
Bangalore 23rd May/65

To

The Judl. Comrs.
Bangalore.

Sir

In reply to your letter No. 16 dated the 15th Instant, I have the honor by desire of the Comrs. to state that the recommendations concurs in the proposals therein made in connexion with the Conservancy Rules proposed to be introduced in the Towns and Cantonments of the different Talooks, the Limits of the Municipalities to be as suggested.

2. The Comrs. observe that there is a slight clerical error in Rule 11. The words "belonging to the Board" may be omitted

I have &c.

Secy.

To
Comrs. Bangalore

22/5

J. M. 80

Judicial 1865. No. 457
To 9.

The Judicial Commissioner
in Mysore

Dated 23rd May
27 " "

General No 457
J. 9

In reply to letter No 162, 15th inst.
states that the Commissioner concurs
in recommendations made in
connexion with the Conservancy Rules
proposed to be introduced in the
Towns and Cusbahs of the different
Talooks —

Ack 26 May 23-5-65.

Bangalore, 8th Sept. 1866.

No. 2820 (to 22)
Jl. 38

Circular

SLH

To

Supts of Divns

Sir,

In consequence of a misconception having arisen regarding the power of ~~the Dy Supts to~~ nominate to a particular appointment by which a pensioned Officer has been irregularly retained in Govt. Employ Govt. considers it advisable to define the powers of Officers in this respect and request your opinion on the subject.

Vide Orders on Letter from Dy Supt Shimoga Divn of 3rd Sept/66 No 246 To Dy Accts Genl Mysore

B 7/9/66

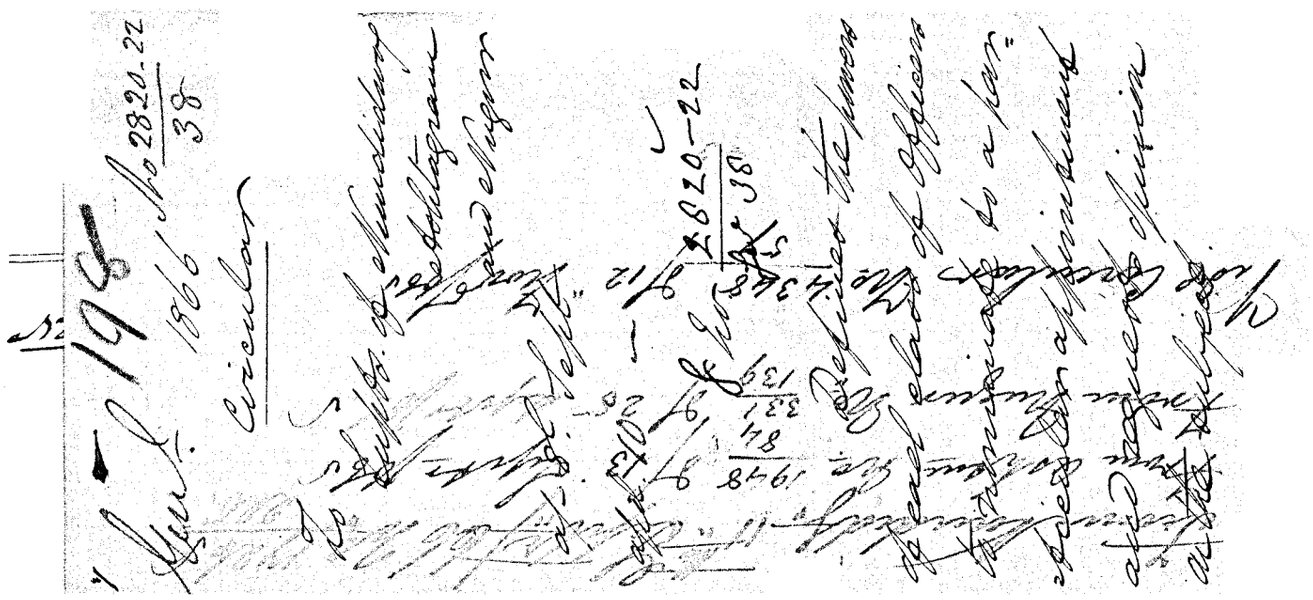
The Govt. observes that Appts in this Province have always been more closely supervised than elsewhere and it appears to them that the Dy Supts might nominate in the first instance to all Appts, forwarding for the Supts confirmation all Appts

Nominations to

on pay of Rs. 40 ~~or~~ 20 or 50 Rs p. mensem

as may be determined, and the latter Officer submitting for the Confirmation of the Com: Auditors only, but the Expenses of Governess will be examined.

AHG



General. No. 31

1866

(Circulars)

To The Superintts of Divisions

Dated 12th
Despatched — } November
Received

Enclosures No.

General No. 4348 to 57
Jl. No. 54 } 1866-67.

565

Referring to certain papers regarding Nominations of vacancies authorizes Deputy Superintendents appointing to all vacancies of Rs. 30 in value and Superintts submitting for confirmation appointments to Amildarees only.

Bombay Govt Gazette
11-12-66

General No 4348 (No 30)
Ft No 67 } 1866/67.

H. C. O.

Circular. Bangalore 12 Nov. 1866.

To

Supt. of Ashlaypam
Cuddapah
Bangalore.

Sir

With reference to the General letter of instructions consequent upon the Reorganisation in 1862, and to the Circulars noticed in the margin in relation to existing arrangements regarding nominations to appointments, I am directed by the Hon. Com. to observe that as the opinions severally submitted by the Supts are in the most parts in accord with the Board's instructions, he considers it advisable to give the Supts the right of appointing to all vacancies of Rs. 30/- in value, the Supts submitting for the confirmation of the Hon. Commissioners only.

Com. 2820 - 22 of 8th Sept/66.
38

Copy

I am

Sir

Your obedient servant

Copy

Copied by Ft. the whole Circulars.

1394.

1868. No. 112

From The Supt. of Survey

To The Secretary to the Commrs. of Revenue

Dated 14th August

Despatched 15—

Received 18—

Enclosures No. 3

General No. 292 } 1868-69.
Rev. No. 108 }

Forwards for the consideration of the Commrs. Copies of Correspondence with the Dy Supt. of Chittagong on the subject of enforcing the proper maintenance of the Survey boundary marks by empowering the Zemindars to fine the Ryots in a moderate amount.

Comm. 18 Aug. 68

I perceive no objection to passing the orders indicated by the 2d para.

B. 18/8/68

Genl. No. 292
Res. 108

Nilgiri Division
Superintendent's Office
Ootacamund 14th August 68

To
The Secretary to the Commr. of
Mysore

Sir,

I have the honor to enclose for the consideration of the Commissioner, copies of correspondence with the Deputy Superintendent of Chittaroog, on the subject of enforcing the proper maintenance of the Survey boundary marks by empowering the Amildars to inflict fine to a moderate amount.

2. The Deputy Superintendent is of opinion, that this will be more expeditious than the provisions for attaining this end now in force, and as the Superintendent of the Revenue Survey appears to have considered the question & not objected to Mr Pristow's suggestion, it is probable that the adoption of the more summary proceedings recommended by him may be attended with advantage

I have the honor to be
Sir
Your most Obedt. Servant

No 322

Deputy Superintendent's Office
Chitaldroog, 28th July 1868

To

The Superintendent of the
Sugur Division

Sir,

I have the honor herewith to submit copies of two Ukzes from the amildars of Davengere and Chitaldroog, and with reference thereto to state, that I concur with those officers in thinking that the enforcement of the penalty laid down in Sections 22 and 23 of the Survey Rules for the neglect of Boundary marks, viz, the connecting those marks, is attended with difficulty, and has not produced the results anticipated. A Ryot who finds it a hard task to keep in repair one or two marks here and there, will not easily be moved to erect a mound around the entire field.

2 I would therefore beg respectfully to recommend, that in lieu of the above arrangement, the amildars be armed with the power of fining the offenders up to a certain limit - say 5 Rs, - a measure, which, I have reason to believe, will prove more effectual than any other in repressing offences in this matter.

I have the honor to be, &c,

Signed/P. Kristna Row

Off'g Deputy Superintendent

(A true Copy)

Nelson

Superintendent

Irrigation &c.

C. Lundie

No: 219.

Shemgah 7th August 68

To

The Deputy Superintendent

Chittoor.

Sir,

In reply to your letter No 222. of the 28th Ultimo, I have the honor to enclose, Copy of a memo received from the Revenue Survey Commissioner on the subject of the maintenance and repair of Boundary marks.

It appears to me, that the provisions of the Bombay Act would afford a suitable remedy for the inconvenience pointed out by you, since in the event of the Ryot failing to execute the work the Revenue Officers are empowered, after service of notice, to defray the cost and recover the same from him. If this course was followed, I should think that the Ryots would soon learn by experience the advantages of keeping the boundary marks in good order, but I shall be prepared to take into consideration any further remarks you may have to offer on the subject.

I have &c.

Signed/ A.C. Gay.

Superintendent.

Two Copys.

Received

Superintendent

Chitaldroog Distt. Dy. Supts Office,

No. 243. Chitaldroog, 10th August 1858

To, The Superintendent of the
Ingur Divn

Sir,

In reply to your letter No: 219. of the 7th Instant, and with special reference to the last part of it, in which a disposition is shown to take into consideration any further remarks that I may have to offer on the subject, I beg to submit, that the Course suggested though unexceptionable in theory, appears to me to be highly inconvenient in practice. It will entail no small amount of trouble on Government Servants to undertake the construction simultaneously of a number of boundary Marks in the different Talooks, finding the necessary labor themselves and

and advancing funds from the Govt
Treasury, and ultimately resorting to
the distraint and sale of the property
of the recusant Cultivators to recover
those advances—

2. The confusion too, arising from
the measure, will not I apprehend, be
slight and it is possible that it will
prove in some cases (I mean in the
cases of wealthy proprietors) a piece
of assistance instead of punishment,
inasmuch as it saves them the
trouble of executing the work them=
=selves— What is needed is a measure
capable of arousing the activity of
landholders as a body, and nothing
in my humble opinion, would be
more effectual in bringing about
the desired end than fines—

3. I beg at the same time to add, that the matter was discussed with the Superintendent of Revue Survey, and if I have correctly understood that Gentleman, he did not seem to be averse to the introduction of some such measure as that recommended.

I have the honor, &c.

Signed/ P. Kristna Row

Offg: Dy: Supt Chittledrug.

(A true Copy)

Superintendent

Inspr Dy

1867.

Rev:

From 1868. No 2993/73

To The Supt of Engrs

Dated 19th Augt 1868.

Despatched 20

Received

Enclosures No.

General No 2993 } 1868-69.
Revenue No. 73 }

547

Upon letter No 262/108 of the 14 Augt 1868, forwarding copies of certain correspondence on the subject of enforcing the proper maintenance of the survey boundary marks by empowering the Collectors to inflict fines to a moderate amount — and stating that the adoption of this more summary process may be attended with advantage —

Sir, I am directed to state that the Comptroller perceives no objection to the course indicated being followed.

I have the honor to be Sir, Your most obedient humble Servant

(Signed)

19/8/68 Dy 19/8/68 Actg Secy

No 6701 Dr. 24/8/68

General

No. 35

1869.

From The Superintendent Ashr. &c.

To The Secretary to the Chief Commissioner of Mysore

Bangalore

Dated 24

Despatched

Received 25th April

Reg'd 28th

Enclosures No.

General No. 364 } 1869-80.
Conf. No. 19 }

Submits correspondence regarding the powers of Amildars to levy fines in certain cases.

Chf Commr 3/5 Vide Reference

The Schedule of fines prescribed in Cairs letter No 16 of 15 May 65 was circulated & made applicable to all Talk Kacheris. Hereafter that circular will be communicable relating to Act. cases & at the

thinks, remain with Amildars; a report in each

Case

Genl. No. 3911
Sec. L. No. 19

To,

The Secretary to the Chief Commissioner
of Mysore.
Bangalore.

Mysore 2 of April 1869.

Sir,

I have the honor to request you to be good enough to submit to the Chief Commissioner the accompanying copies of correspondence, regarding the powers of Amildars to levy fines in certain cases.

From Dy Supt. Hassan, No. 1380 of 13-2-69.
From do Mysore, No. 350 of 13-4-69.

2. In the letters quoted by Mr. Ricketts provision appears to have been made for all cases, except those which may be called Municipal offences, and I beg to recommend that Amildars may be authorized to inflict fines up to Rupees 5/ on private individuals, who wilfully disobey orders given for the general benefit of the community. Monthly lists of fines so imposed should be forwarded to the Deputy Superintendents.

3. The power to inflict fines when lands are cultivated without permission, should, I think, remain with Amildars; a report in each

Case

case being made to the Dr. Superintendents.

I have the honor to be

Sir,

Your Most Obedient Servant.

[signature]

A. Superintendent.

Ashtagram Division.

B.B.

No 35 of 1869-70.

No.

The Superintendent,

Ashtagram Division.

Dated Mysore 13th April 1869.

Sir,

I have the honor to acknowledge receipt of your letter No 4081/60, dated 23d February last, enquiring what are the present powers of Amildars in this District as regards the levy of fines, and calling for my opinion regarding what their future powers in this subject should be.

2. In reply, I beg to inform you that before the introduction of the Penal and Criminal Procedure Codes, Amildars were exercising general powers of fining up to 7 Rupees in all Judicial and Revenue Matters. Since 1863, their powers in Criminal Matters have been regulated by the said Codes; but the powers to be exercised by them in their revenue capacity have not hitherto been clearly defined.

3. The Circular No 101 of the 22d October 1864, from your Office, defines the powers of Amildars in respect of fines inflicted on Subordinates

for neglect of duty not amounting to criminal acts, as extending to Rupees 5, and that of Dy Superintendents to Rs 10, or dismissal where the salary is under Rs 15 a month.

4. As regards the power of Amildars and Dy Superintendents in fining private individuals for certain or any offences, the existing orders are not so clear as in the case of fining subordinate public servants. Captain Hay is of opinion that "all such cases should be heard and decided as regular revenue suits, subject to the rules as regards regular procedure and appeal". Also Major Elliot advocates that in such cases no limit as to the amount of fine to be inflicted in revenue cases need be fixed, as the aggrieved party has always the right of appeal, and the supervision exercised over the lower courts may be looked upon as sufficient to check abuse of authority

5. At first sight, it would appear somewhat incongruous that a revenue suit should form the medium for fining private individuals in certain cases; but looking at the classification of revenue cases in the Mysore Revenue Procedure Circular No. 522/3 of 1864-65, the incongruity disappears, when it is apparent that only a class

of offences against the Revenue, Irrigation, and
like are contemplated. As we have thus a classi-
fication and procedure laid down, it might perhaps
be advisable to proceed further and prescribe the
extent of jurisdiction in regard to fine to be exer-
cised by each Court — more particularly that
of the Amildars.

6. In the Secretary's letter to the Nundidroog
Superintendent, dated 10 August 1863, it is pointed
out that such cases against private individuals,
not involving criminality, triable by the Crim-
inal Court, will in practice be so uncommon,
"that it scarcely seems necessary to prescribe what
"amount of fine should be levied. The Comm^r
"considers that this point may safely be left to
"the discretion of the Deputy Superintendent", and
excluding apparently, the power of an Amildar
to fine in such cases.

7. The only cases of importance where it ap-
pears to me that Amildars in the case of
private individuals, do exercise a limited power
of fine is as regards unauthorized cultivation
of land, when double rent, or the proper rent
and a fine has been imposed. I think this
summary power might remain with the Amil

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=dar, subject to report and confirmation by the Deputy Superintendent, in order to check certain abuses, con=nected with the system, for it will often be found that what is called unauthorized cultivation, is based upon the permission of the village authorities, or their unfavourable neglect, often from sinister motives, to forward the cultivation-application in time - so that the Ryot has hardly any alternative but to proceed to plough at once, or to lose the season.

I have &c.

(Signed) L Rice

Dy Superintendent

Mysore District.

No. 1388.

To,

The Superintendent,

Nosh[illegible] am Division.

Hassan 13th February 1869.

Sir,

I have the honor to acknowledge

marginally noted which was forwarded to me

From Supt Nuggur to Secy No: 420/165 of 19-10-68.
Nuggur Supt 2d Coffee Memo No: 193 of 27-7-68.
From Dy Supt Shemoga to Supt Nuggur No: 308 of 4-8-68
From Do Cuddoor to Do No: 393 of 29-7-68
Do — Do Chittledroog No: — of 20-8-68
Docket from Secretary to the Govt to the Supt Nuggur No: 4302/111 of 20-10-68.

with your docket No: 2149 of the 4th Nov: 1868, for information and guidance.

3. The correspondence defines the powers which Dy Superintendents are allowed to exercise in punishing village officials with fine; but in this District the Amildars have always exercised the same powers also; and the Amildar of Nurrinpoor now requests special orders as to whether he is authorized to levy fines on villagers for failing to erect walls round wells, and to sleep in the village choultry at night, as well as to fine those who may cultivate Government land without permission.

3. A circular on this subject is required to remove all doubts.

I have &c

/Signed/ W. Hill
Dy Superintendent
Hassan District.

"Copies"

Asst Superintendent,
Ashvr District.

66.

3 Encl.
From [illegible] 1869. No. 694/27

To The [illegible] Secretary of State for

Dated 8th May 1869

Despatched 13th

Received

Enclosures No.

General No. 694
J. No. 27 } 1869/70

Sir, In reply to your letter No 364/19 of the 24th ult. transmitting copies of correspondence regarding the powers of Consuls to try persons in certain cases, I am directed by the Lords Commissioners of the Admiralty to transmit to Consuls acting under Orders in Council for Abyssinia, Zanzibar, Egypt, Turkey, Barbary States, Japan, China, Siam, Persia, Muscat, Madagascar, Borneo, Corea, Morocco, and Tripoli, copies of the Orders in Council of the 9th March 1865, and 28th November 1867, for the Consular Courts in those countries, and to request that they will cause the Masters of Merchant Vessels to be informed of the provisions of those Orders.

I am, Sir,
Your most obedient Servant,
[illegible]

The Under Secretary of State,
Foreign Office.